

VZCZCXRO2280
RR RUEHBZ RUEH DU RUEHHM RUEHMR RUEHRN
DE RUEHJO #0468/01 3211431
ZNR UUUUU ZZH
R 171431Z NOV 06
FM AMCONSUL JOHANNESBURG
TO RUEHC/SECSTATE WASHDC 5467
INFO RUCNSAD/SADC COLLECTIVE
RUEHXI/LABOR COLLECTIVE
RUEHC/DEPT OF LABOR WASHINGTON DC
RUEHJO/AMCONSUL JOHANNESBURG 2146

UNCLAS SECTION 01 OF 03 JOHANNESBURG 000468

SIPDIS

SIPDIS

DOL FOR ILAB-PWHITE

E.O. 12958: N/A

TAGS: [ELAB](#) [PHUM](#) [SOCI](#) [ECON](#) [SW](#)

SUBJECT: SWAZILAND: RECLISA CHILD LABOR CONFERENCE URGES FREE AND
COMPULSORY PRIMARY EDUCATION

JOHANNESBU 00000468 001.2 OF 003

Summary

¶1. Representatives of the Swazi Ministries of Education and of Enterprise and Employment, academia, NGOs and media, as well as the International Labor Organization (ILO), attended a conference on Child Labor in Manzini, Swaziland, from November 7-8. The conference, held under the auspices of the U.S. Department of Labor-funded project on Reducing Exploitative Child Labor in Southern Africa (RECLISA), produced a statement - the "Manzini Declaration" -- calling on the Government of the Kingdom of Swaziland (GKOS) to take a variety of actions, including establishing a child labor action program, making education free and compulsory, and reconciling domestic legislation to be both internally consistent and in accord with those ILO conventions on child labor which Swaziland has adopted. The conference also noted that the number of orphans in Swaziland, which currently has an HIV/AIDS prevalence rate of over 40 percent, is likely to double by 2010. End Summary.

Overview

¶2. Approximately 50 people attended the Manzini Child Labor conference from November 7-8. Participants in the conference included the Labor Commissioner, who chaired the bulk of the sessions; representatives of various Ministries; the Director of Public Prosecutions; academics; representatives from the ILO, NGOs and the media. The conference was organized by the project on Reducing Child Labor in Southern Africa (RECLISA) which is funded by the U.S. Department of Labor. Charge d'Affaires a.i. Peter Piness presented remarks on behalf of the USG at the opening of the conference.

Outline of Child Labor Issues in Swaziland

¶3. Velephi Riba, an independent researcher working on a sister ILO child labor project, outlined the push and pull factors behind child labor in Swaziland based on census data and that provided by statistical office surveys. She said that in 2000, 11.8 percent of sampled children between the ages of 5-14 had been engaged in child labor. Only one percent of children were in paid work, while 1.5-4 percent of children were doing unpaid work for someone other than a family member. She noted that the survey on which this information was based did not investigate children's activities in subsistence agriculture, leading to results that emphasized the amount of domestic work being done by children. She noted that children were visible on streets or in towns in Swaziland working as traders and hawkers, porters,

car wash attendants, bus or kombi (minibus) drivers and conductors.

14. Riba noted that poverty levels had increased from 66 percent in 1995 to 69 percent of the population in 2001, and that unemployment rates had similarly risen from 22 to 29 percent - reaching 55 percent in the rural Shiselweni region. Children's labor was seen as an important asset for poor families. Children worked to produce family income and/or pay for school fees. The death, separation and divorce of parents adversely affected the ability of children to stay in school. One study showed half of all commercially sexually exploited children were orphans. Swaziland's official statistics put the number of orphans at 69,000 with estimates that the number will increase to 150,000 by 2010.

15. High HIV prevalence rates have also affected household income and increased poverty. Household savings are depleted in caring for ill family members, and often children are pulled out of school to care for ill or dying family members and/or take over the work normally done by these family members. Once withdrawn, children are unlikely to return to school due to cost and other factors. Food insecurity and hunger are another factor affecting child labor, especially in subsistence agriculture.

16. According to Riba, high costs of schooling were cited in a 1999 UNICEF study as reasons for why children worked, and the main reason for dropping out of school. Riba also noted that GKOS grants to orphans and vulnerable children had been reduced in 2005 to allow the government to subsidize the costs of workbooks and supplies to primary school students through grade 14. Riba said the average Swazi child took 11 years to complete the first seven years of schooling, and that the World Bank estimated Swaziland's primary school completion rate to be 60 percent, while secondary school completion rates are judged to be 36 percent. Girls in particular were apt to drop out, often because of pregnancy. Roughly 25 percent of children were not

JOHANNESBU 00000468 002.2 OF 003

enrolled in primary school. Riba also noted that the high costs of vocational education and lack of a pre-vocational curriculum limited opportunities for further education of children and that violence, especially sexual violence against girl children, also contributed to high dropout rates. The Swaziland National Association of Teachers reviewed the issue of school violence against girls at their August 2006 conference, said Riba.

Prosecutor Notes Lack of Cases and Influence of Tradition

17. Mumsy Dlamini, the Director of Public Prosecutions, made an extremely insightful presentation on the difficulties of prosecuting offenses against children in Swaziland. She noted that in most instances, courts relied on statutory laws passed by Parliament, since the Roman Dutch law on which Swazi Law was based did not distinguish by age. The Employment Act defined a child as under age 15, and allowed employment of children under certain circumstances, including in agriculture and in families. She added that the prosecutor's office did not go looking for offenses, but worked based on cases reported to her. She said that no/no dockets of child labor had been brought to her courts. She also noted that the penalty was a fine of less than E3000 (or about \$400) or sentence of not more than a year in jail.

18. The constitution protected a child from work, Ms. Dlamini emphasized. However, children in the households of their parents and relatives were often exposed to harsh conditions of work, in which the child became a servant. Many underage children were adopted or married but the purpose behind the adoption or marriage was to use the child to do work at the homestead or home. In one case, an elderly man had slept with a young girl and then undertook a traditional marriage with the girl. Ms. Dlamini, under whose tenure prosecutions for child abuse have increased substantially, noted that judges, following

the constitution, allowed traditional marriages for which no legal minimum age was defined, and that she had been unsuccessful in prosecuting that case cited. Children who were married did not attend school. Since birth certificates were also not prevalent in Swaziland, prosecutions for statutory rape of child sexual abuse generally did not succeed, since the age of the child was considered "debatable."

Commissioner Urges "Manzini Declaration" on Child Labor

¶9. Labor Commission Jinoh Nkhambule, who chaired the bulk of the conference, noted that labor inspectors under his authority performed a variety of inspections in the formal sector of the Swazi economy, which accounted for roughly 10 percent of all economic activity. Child labor was not an issue in the formal sector, he said. Nkhambule noted that he required additional resources and training for labor inspectors who are required to perform inspections in the formal sector, especially given that the Employment Act did not restrict employment of children in agriculture or family enterprises.

¶10. At the close of the conference (in the absence of the Minister of Education who was scheduled to speak), the Labor Commissioner successfully pushed for the conference to adopt a declaration calling on the GKOS to take steps to combat child labor. The "Manzini Declaration" calls for the drafting and adoption of a child labor action program by 2008; the alignment and harmonization of Swazi legislation dealing with the interests of children to conform with ILO conventions; the establishment of government and community structures to assist children; a public awareness campaign; and creation of structures to implement free and compulsory primary education consistent with the Swazi constitution. Additional recommendations were also made regarding food aid and food insecurity, vocational and non-formal education, culture and tradition, HIV/AIDS and health relief.

Public Awareness

¶11. Despite the absence of the Ministers of Education and of Enterprise and Employment from the conference, media coverage included print, radio and television. The "Swazi Observer," a government-oriented publication, had several reports on the labor conference published over three days (November 6-9). PAO Peter Piness was quoted extensively in a report of November 9. The GKOS radio station, Swaziland Broadcasting and Information Services, provided an accurate and well-articulated report on the labor conference. Both local television stations, the Swaziland Television Authority Corporation and Channel Swazi, also provided coverage on the conference and showed clips of the

JOHANNESBU 00000468 003.2 OF 003

conference proceedings.

Comment

¶12. The conference was notable not only for the commitment shown by some of the Swazi participants in addressing child labor issues, but also for clarifying just how many steps still need to be taken in order for children to be less vulnerable to exploitation. Both poverty and a strong sense of tradition impede acceptance of child labor norms and the importance of education in building capacity necessary to economic growth. Several participants were clearly on the defensive in espousing traditional cultural practices, but upheld them nonetheless.
End Comment.
COFFMAN##